



COWAN,
DEBAETS,
ABRAHAMS &
SHEPPARD LLP

41 MADISON AVENUE
NEW YORK, NY 10010
T: 212 974 7474
F: 212 974 8474
www.cdas.com

ELEANOR M. LACKMAN
212 974 7474 EXT 1958
ELACKMAN@CDAS.COM

AILEEN ATKINS
FREDERICK P. BIMBLER
SUSAN H. BODINE
LINDSAY W. BOWEN*
ANDREA F. CANNISTRACI
XAVIER J. CORREA
TIMOTHY J. DEBAETS
ROBERT J. EPSTEIN
CAROLE E. HANDLER■
DOUGLAS P. JACOBS†
ELEANOR M. LACKMAN†
ELLIS B. LEVINE
JANIS C. NELSON ■
JOSHUA B. SESSLER
J. STEPHEN SHEPPARD♦
SCOTT J. SHOLDER*
KENNETH N. SWEZEY†
NANCY E. WOLFF•†

ADAM BEASLEY
ALISON E. BENSIMON
BRIANNA DAHLBERG■
LINDSAY R. EDELSTEIN
DANIELLE A. EFROS
MIKAELA I. GROSS
BENJAMIN JAFFE
BRITTANY L. KAPLAN
MICHAEL K. LEVIN
MARISSA B. LEWIS*
JONATHAN H. PERITZ*
SIMON N. PULMAN*○

OF COUNSEL:
ROBERT I. FREEDMAN
JERROLD B. GOLD

SPECIAL COUNSEL:
ALEX GIGANTE

PHILIP M. COWAN
(1943-2001)
HOWARD ABRAHAMS
(1945-1996)

■ ADMITTED IN CA
† ALSO ADMITTED IN CA
♦ ALSO ADMITTED IN DC
○ ALSO ADMITTED IN GA
* ALSO ADMITTED IN NJ
● ALSO ADMITTED IN PA

BEVERLY HILLS OFFICE:
9595 WILSHIRE BLVD, SUITE 900
BEVERLY HILLS, CA 90212

October 8, 2018

Via ECF

The Honorable Loretta A. Preska
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2220
New York, NY 10007

Re: *Sadowski v. JSN Global Media, Inc.*, No. 18-cv-01392 (LAP)

Dear Judge Preska:

On behalf of defendant JSN Global Media, Inc. (“JSN”), we submit this letter to call the Court’s attention to relevant, on-point, and persuasive authority recently issued by Magistrate Judge Pitman in the case captioned *Liebowitz v. Galore Media, Inc.*, 18 Civ. 2626 (RA)(HBP). Although not binding on this Court, JSN raises the ruling as persuasive authority pertaining to plaintiff’s motion to reconsider this Court’s July 12, 2018 Order (Dkt. No. 17).

In response to arguments by the Liebowitz firm that appear to be carbon copies of those recently made before this Court, on September 20, 2018, Magistrate Judge Pitman denied the plaintiff’s motion seeking reconsideration of his July 11, 2018 order requiring posting of a \$10,000 bond. *See* 18 Civ. 2626, Dkt. No. 30. Plaintiff even advocated for the same reduction of the bond to \$2,000 as he does here (apparently using the same deposition invoice as used here); Magistrate Judge Pitman rejected such bargaining. *Id.* at 11.

Importantly, in discussing the issues, Magistrate Judge Pitman included an extensive discussion of Your Honor’s ruling in *Baker v. Urban Outfitters, Inc.*, 431 F. Supp. 2d 351 (S.D.N.Y. 2006), noting its affirmance by the Second Circuit at 249 F. App’x 845 (2d Cir. 2007). *See* 18 Civ. 2626, Dkt. No. 30 at 8-9. Yet despite that Magistrate Judge Pitman decided an identical issue against the same firm the day prior to the issuance of Your Honor’s Order, there is no mention of this negative authority. JSN believes that given the striking similarity of the issues in play in both cases, plaintiff’s firm was ethically obligated to have disclosed such on-point material to the Court, *see* NY DR 7-106(B)(1). Regardless, such a ruling – along with others that likely exist but may not have been brought to the Court’s attention by either party – demonstrates that the Court’s original ruling was proper.

Respectfully submitted,

Eleanor M. Lackman

cc: All counsel of record